



# COUNTY OF LOS ANGELES

## CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

### MEMBERS OF THE BOARD

March 17, 2003

Maria M. Oms  
Auditor-Controller  
Lloyd W. Pellman  
Office of the County Counsel  
Rocky Armfield  
Chief Administrative Office

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Miguel Galli, Marina Galli v. County of Los Angeles**  
**Los Angeles Superior Court Case No. BC 259 285**

Dear Supervisors:

The Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$175,000.00, plus assumption of the Medi-Cal Lien not to exceed \$92,108.64.
2. The Auditor-Controller be directed to draw warrants to implement this settlement from the Department of Health Services.

Enclosed is the settlement request and a summary of the facts of the case.

The Litigation Report, including the Corrective Action Report, is being transmitted to you under separate cover by the Department of Health Services.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, Extension 4-1754.

Very truly yours,

MMO/fsl

Maria M. Oms, Chairperson  
Los Angeles County Claims Board

Enclosure

**MEMORANDUM**

February 27, 2003

TO: LOS ANGELES COUNTY CLAIMS BOARD

FROM: JACK M. SCHULER, Esq.  
Schuler & Brown

OWEN L. GALLAGHER  
Principal Deputy County Counsel

RE: Miguel Galli, Marina Galli v. County of Los Angeles  
Los Angeles Superior Court Case No. BC259285

DATE OF INCIDENT: March 22, 1999, through December 19, 2000

AUTHORITY \$175,000, Plus Assumption of the Medi-Cal Lien Not to Exceed  
REQUESTED: \$92,108.64

COUNTY  
DEPARTMENT: DEPARTMENT OF HEALTH SERVICES

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CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☐

Recommend to Board of  
Supervisors for Approval

\_\_\_\_\_, Chief Administrative Office  
**ROCKY A. ARMFIELD**

\_\_\_\_\_, County Counsel  
**LLOYD W. PELLMAN**

\_\_\_\_\_, Auditor-Controller  
**MARIA M. OMS**

on \_\_\_\_\_, 2003

## SUMMARY

This is a recommendation to settle for \$175,000 the wrongful death lawsuit brought by Miguel Galli (husband) and Marina Galli (daughter) for the death of Blanca Galli for treatment she received at Harbor/UCLA Medical Center from March 22, 1999, through December 19, 2000. The State, having paid \$92,108.64 for the provision of Medi-Cal care, has a claim for reimbursement, which will be settled by the County.

## LEGAL PRINCIPLES

The County is liable for the failure of its hospital and medical staff to provide services consistent with the appropriate standard of care for the circumstances encountered.

## SUMMARY OF FACTS

On March 22, 1999, Blanca Galli, a 62-year-old woman, was admitted to Harbor/UCLA Medical Center for the surgical removal of an abnormal sac or pouch in the lower portion of the small intestine [diverticulum], which was inflamed (diverticulitis). A routine x-ray was taken of Blanca Galli's abdomen and chest, which indicated an abnormal nodule on her left lung. A recommendation was made by radiology personnel to perform an imaging study generated by computer synthesis of x-ray data (CT scan) to further evaluate the nodule. The medical record indicates that the radiology findings and recommendation for a CT scan were reported to surgical personnel. However, the medical record does not document that a CT scan was performed.

On March 23, 1999, Blanca Galli underwent surgery to remove the diverticulum, which was completed without complication. On March 29, 1999, she was discharged.

On August 5, 1999, Blanca Galli was seen at Harbor/UCLA Medical Center with complaints of a chronic cough and a sore throat. An x-ray was taken of her chest, which indicated the presence of the abnormal nodule on her left lung. Radiology personnel noted that the nodule had increased in size, and recommended that a CT scan be performed to further evaluate the nodule. However, the medical record does not document that a CT scan was performed. Blanca Galli was given medications and discharged.

On December 12, 2000, Blanca Galli was admitted to Harbor/UCLA Medical Center with complaints of a fever, chills, occasional sweats, and coughing up blood. A CT scan was performed to determine if Blanca Galli's symptoms were the result of an infection in her lungs or cancer. The results of the CT scan indicated the presence of 12 abnormal nodules on Blanca Galli's left lung, which medical personnel suspected might be cancerous.

On December 19, 2000, a small piece of tissue was removed from a nodule in Blanca Galli's left lung for diagnostic examination (biopsy) utilizing a curved, flexible tube (bronchoscope) inserted through the mouth and into the windpipe. The removed tissue was sent to the Pathology Department for examination. The pathology report of the removed tissue

indicated that the mass contained malignant cells (mucinous adenocarcinoma). Blanca Galli was given a follow-up appointment, and discharged.

Blanca Galli received numerous treatments for her cancer at Harbor/UCLA Medical Center and private facilities. However, her condition continued to deteriorate, and she died on April 23, 2002. The cause of her death was attributed to cancer of the lungs. Medical experts believe that Blanca Galli's cancer was a Stage I cancer as of March 23, 1999, but had progressed to a Stage IV cancer by December 2000.

## DAMAGES

If this matter proceeds to trial, the claimants will likely seek the following:

Miguel Galli,		
Loss of Care, Comfort		
and Companionship (MICRA limit)		\$125,000
Marina Galli,		
Loss of Care, Comfort		
and Companionship (MICRA limit)		\$125,000
Costs of Litigation		<u>\$ 2,500</u>
	TOTAL	\$252,500

The proposed settlement includes:

Miguel Galli,		
Loss of Care, Comfort		
and Companionship		\$58,885
Marina Galli,		
Loss of Care, Comfort		
and Companionship		\$58,885
Attorneys Fees (MICRA Estimate)		\$54,730
Costs of Litigation		<u>\$ 2,500</u>
	TOTAL	\$175,000

## STATUS OF CASE

The current trial date has been vacated pending approval of this settlement.

Expenses incurred by the County of Los Angeles in the defense of this case through February 11, 2003, are attorneys fees of \$47,642.50 and \$19,405.33 in costs.

The total cost to the County of Los Angeles, as a result of this settlement, is as follows:

Indemnity (Settlement Amount)	\$175,000.00
County Attorneys Fees and Costs	\$ 67,047.83
Medi-Cal Lien	\$ <u>92,108.64</u>
TOTAL	\$334,156.47

### EVALUATION

Medical experts will be critical of the failure of medical personnel to perform a CT scan to further evaluate the abnormal nodule identified on the x-rays of Blanca Galli's chest, as recommended by radiology personnel on March 22, 1999, and on August 5, 1999. This failure resulted in a missed opportunity to timely diagnose and treat Blanca Galli's lung cancer, and is directly responsible for the results observed here.

We join with our private counsel, Schuler & Brown, and our claims administrator, Octagon Risk Services, Inc., in recommending settlement in the amount of \$175,000, and payment of the Medi-Cal lien in the amount of \$92,108.64.

The Department of Health Services concurs in this settlement.